



California Regulatory Notice Register

REGISTER 2007, NO. 41-Z

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OCTOBER 12, 2007

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.6, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Gypsy Moth Eradication Area as an emergency action that was effective on July 24, 2007. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 21, 2008.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before November 26, 2007.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any

portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.6, subsection (a), was amended and established Ventura County as an eradication area for gypsy moth, *Lymantria dispar*. The effect of this action was to establish authority for the State to conduct eradication activities in Ventura County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3591.6 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.6 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations

would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3591.6, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3591.6, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/phpps/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3700(c) of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control as an emergency action on September 12, 2007. The Department proposes to continue the regulation as amended and submit a Certificate of Compliance for this action to the Office of Administrative Law no later than March 11, 2008.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 180 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before November 26, 2007.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

The emergency amendment of subsection 3700(c) established two new plant species, *Garrya elliptica* (silk tassel tree, coast silk tassel) and *Mahonia aquifolium* (Oregon grape), as associated articles under the articles and commodities covered by the regulation. The effect of the changes to the regulation is to provide authority for the State to regulate movement of these "associated hosts" and potential carriers of disease from the regulated area.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3700(c) does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under regulation has a duty to enforce Section 3700. No reimbursement is required for Section 3700 under Section 17561 of the Government Code because the agricultural commissioners of the affected counties requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of Califor-

nia businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of amending the regulation on a representative private person or business is not expected to be significantly adverse. The agency is not aware of any new cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new businesses or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended subsection 3700(c) pursuant to the authority vested by Sections 407, 5321 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended subsection 3700(c) to implement, interpret and make specific Sections 24.5, 5321 and 5322, Food and Agricultural Code.

EFFECT ON SMALL BUSINESSES

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, pro-

posed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed to: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted on its Internet website (www.cdfa.ca.gov/phpps/Regulations.html) the information regarding this proposed regulatory action. Select "Proposed Changes in Regulations for Plant Health and Pest Prevention Services" and then section number(s).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3152 of the regulations in Title 3 of the California Code of Regulations pertaining to Pests Requiring No Action as an emergency action that was effective on August 10, 2007. The Department proposes to continue the regulation as amended and to complete the adoption process by submission of a Certificate of Compliance.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before November 26, 2007.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322).

The amendment of 3152 established that armored scales of the family Diaspididae found infesting commercial shipments of fruits, without leaves, stems, or contaminants, and intended for consumption shall not be subject to any regulatory actions pertaining to its being a plant pest. The effect of this regulation will be to relinquish the State's authority to implement regulatory actions pertaining to plant pests against armored scales infesting commercial shipments of fruits, without leaves, stems, or contaminants, for consumption. There is no existing, comparable federal regulation or statute regulating the intrastate movement.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3152 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.20 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

REFERENCE

The Department proposes to amend Sections 3152, to implement, interpret and make specific Sections 407 and 5322 of the Food and Agricultural Code.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

ASSESSMENT

The Department has made an assessment that the proposed adoption of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/phpps/Regulations.html).

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AUTHORITY

The Department proposes to amend Sections 3152 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 10. DEPARTMENT OF CORPORATIONS

NOTICE IS HEREBY GIVEN

The Commissioner of Corporations (Commissioner) proposes to amend regulations under the Corporate Securities Law of 1968 (CSL, Corporations Code Section 25000 et seq.) relating to exemption for certain investment advisers pursuant to Corporations Code Section 25230. The Commissioner proposes to amend Section 260.204.9 of the California Code of Regulations (10 C.C.R. § 260.204.9).

PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Corporations' (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed to Karen Fong, Office of Legislation and Policy, Department of Corporations, 1515 K Street, Suite 200, Sacramento, California 95814-4052, no later than 5:00 p.m., November 26, 2007. Written comments may also be sent to Karen Fong via electronic mail at regulations@corp.ca.gov or via fax at (916) 322-5875. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Under current law, the Department regulates certain activities of investment advisers in California. Specifically, Section 25230 of the CSL requires persons conducting business as an investment adviser in California to be licensed with the Department. Investment advisers licensed under the CSL are subject to various obligations and restrictions, as set forth in the CSL and the rules of the Commissioner.

Section 25204 of the CSL provides the Commissioner with authority to exempt any person from the licens-

ing requirement of Section 25230 of the CSL, as necessary or appropriate in the public interest or for the protection of investors. In 2002, the Commissioner adopted Rule 260.204.9, which exempts from licensing certain investment advisers with fewer than 15 clients and more than \$25 million in assets under management, or that provide advice only to venture capital companies, as defined in the rule.

In particular, the rule exempts from licensing as an investment adviser any person who:

1. Does not hold itself out generally to the public as an investment adviser;
2. Has fewer than 15 clients;
3. Is exempt from registration under the federal Investment Advisers Act of 1940 (Advisers Act) by virtue of Section 203(b)(3) of that act; and
4. Either (i) has "assets under management" of not less than \$25 million or (ii) provides investment advice to only "venture capital companies," as defined in the exemption.

Various factors have caused the Commissioner to re-examine the basis for the exemption from registration under Rule 260.204.9 beyond advisers to venture capital companies. *See* Section 25204 of the CSL. Those factors include the concerns with the lack of regulatory oversight of advisers to hedge funds, as set forth in the Securities and Exchange Commission's 2003 report, *Implications of the Growth of Hedge Funds*. In addition, based on changed market conditions, the current rule appears to create an unwarranted disparity in treatment of investment advisers that no longer serves any meaningful public benefit.

In response to the growth of hedge funds, the increase in fraud related to hedge fund activities, and the broadening market participants in hedge funds, amendments to Rule 260.204.9 are proposed to remove the exemption for advisers that are not advisers to venture capital companies, as defined in the rule.

AUTHORITY

Sections 25204 and 25610, Corporations Code.

REFERENCE

Section 25230, Corporations Code.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regula-

tion(s) should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document PRO 41/06-B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document PRO 41/06-C. These documents are also available at the Department's website www.corp.ca.gov. As required by the Administrative Procedure Act, the Office of Legislation and Policy maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Corporations, Office of Legislation and Policy, 1515 K Street, Suite 200, Sacramento, California 95814-4052.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT

- Cost or savings to any state agency: None.
- Direct or indirect costs or savings in federal funding to the state: None.

- Cost to local agencies and school districts required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None
- Other nondiscretionary costs/savings imposed on local agencies: None
- Costs to private persons or businesses directly affected: Insignificant or none.

DETERMINATIONS

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not affect small businesses. Investment advisers are not small businesses under Government Code Section 11342.610(b)(1).
- Does not impose a mandate on local agencies or school districts, or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

An adviser not currently subject to licensure that becomes subject to licensure as a result of the changes to the exemption proposed in this rulemaking action may incur costs from the following activities: preparing the Form ADV and obtaining licensure through the Department; reporting investment adviser representatives to the Department; preparing the disclosures required under Part II of Form ADV and complying with other disclosure requirements; complying with the books and records, custody, ethics, minimum net worth, and reporting requirements, as applicable; and undergoing routine regulatory examinations.

EFFECT ON SMALL BUSINESS

It has been determined that the amendment of this regulation will not affect small business. Under Gov-

ernment Code Section 11342.610(b)(1), investment advisers are not a small business.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to Karen Fong at (916) 322-3553. The backup contact person is Marilyn Kaspar at (916) 322-3553. Inquiries regarding the substance of the proposed regulation may be directed to Michael Santiago, Corporations Counsel, Department of Corporations, 1515 K Street, Suite 200, Sacramento, California 95814, (916) 322-3553.

TITLE 13. CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF
REGULATIONS, DIVISION 2
AMEND CHAPTER 5, ARTICLE 5, SECTION 1141

Color Requirements for Traffic Law Enforcement Vehicles (CHP-R-2007-02)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), relating to color requirements for traffic law enforcement vehicles.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Color requirements for traffic law enforcement vehicles are described in 13 CCR, Division 2, Chapter 5, Article 5, Section 1141. The CHP proposes to amend Section 1141 by allowing traffic law enforcement vehicles to be painted in a variety of distinctive colors and paint schemes. In doing so, the revised traffic law enforcement vehicle color requirements will conform to the Legislative intent contained in Assembly Bill 3004 as enacted in the 2006 Legislative session.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916)

446-4579, by email to cvsregs@chp.ca.gov, or by writing to:

CHP, Enforcement Services Division
Commercial Vehicle Section
ATTN: Mr. Cris Morgan
P. O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, November 26, 2007.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Cris Morgan or Mr. Gary Ritz, CHP, Commercial Vehicle Section, at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Cris Morgan.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency or school district; nor cost or savings to any state agency or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. This proposed regulatory action makes only technical, non-substantive or clarifying changes to current law and regulations.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the

purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Vehicle Code Section 2402.

REFERENCE

This action implements, interprets, or makes specific Vehicle Code Sections 2402 and 40800.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Sections 120.00, 120.01, 120.02, 124.93 and 124.95 and to repeal Section 120.04 in Chapter 1, Division 1 of Title 13, California Code of Regulations.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **November 26, 2007**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by section 1651 of the Vehicle

Code in order to implement, interpret or make specific sections 1801, 1801.1, 13352.1, 13352.4, 13352.5, 13353, 13353.4, 13353.45, 13353.7, 14904, 15024, 16430, and 23152 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Motor Vehicles (the department) proposes to amend sections 120.00, 120.01, 120.02, 124.93, and 124.95, and repeal section 120.04 of Article 2.5 of the California Code of Regulations, relating to the Driving Under the Influence (DUI) Program.

Senate Bill 1697 (Chapter 551, Statutes of 2004) eliminates the court's authority to grant probation to a first offender convicted of driving under the influence and restrict the person's driving privilege to driving to/from a driving under the influence program, and to/from work, and while driving during the course of employment. The court will serve notice of the suspension to the person for a period of 6 months and send the department an abstract of the court record.

SB 1697 eliminates the options to persons seeking a restricted license under the Administrative Per Se Law provisions of Vehicle Code Section 13353.7, who formerly could choose between a restriction of 3 months, allowing driving only to/from a DUI program, or of 5 months with the additional privilege of driving to/from work and during the course of employment. As revised, the current law allows all persons granted the restricted license to drive to/from the DUI program, to work, and during the course of employment for a period of 5 months.

SB 1697 allows the person to apply to the department for a restricted driver license unless the court expressly has notified the department that the person is too dangerous to be allowed to drive before completion of the DUI program. The restricted license, issued under Vehicle Code section 13352.4, allows the person to drive for a period of 6 months in order to travel to/from a DUI program, to/from work and during the course of employment.

If the person's driving privilege has been suspended under both Vehicle Code sections 13352(a)(1) and 13353.3(b)(1), credit for the APS suspension shall be applied towards completion of the 6 month suspension imposed under section 13352(a)(1).

SB 1697 also eliminates the need of a "regulatory clock" to track the time from issuance of a restricted driver license to a "first offender" to the time allocated to complete the required DUI program, and the department's requirement to suspend if the person fails to finish in time. Those provisions are defined in section 120.04 of Article 2.5 of Division 1, Chapter 1 of Title

13. The revised provisions allow the restriction to run indefinitely until the person completes the program or until the program provider notifies the department that the participant is not participating in the required activities. Upon notification from a DUI program provider that a person is not participating, the department immediately suspends the person's driving privilege, pursuant to either Vehicle Code section 13352 or 13352.1, until that person has completed all requirements to reinstate the driving privilege.

Assembly Bill 1353 (Chapter 164, Statutes of 2005) increases the length of the first offender DUI program to nine months if the driver's blood alcohol concentration was .20% or greater.

Assembly Bill 979 (Chapter 646, Statutes of 2005) reduces the mandatory suspension period that a driver convicted of multiple violations of driving under the influence must serve to 12 months before he or she is eligible for a restricted driver license if he or she also:

- Has enrolled in a DUI program of either 18 months or 30 months if suspended under section 13352(a)(3).
- Has completed 12 months of either an 18 month or a 30 month DUI program if revoked under section 13352(a)(4), (5), (6), or (7).

Senate Bill (SB) 1756 (Chapter 692, Statutes of 2006) added Vehicle Code section 13352.1, extending the driver license suspension to ten months if the driver's blood alcohol concentration was .20% or greater and the court refers the person to a program pursuant to Vehicle Code section 23538(b)(2).

To comply with these bills, the department has revised the Proof of Enrollment Certificate, DL 107, and the Notice of Completion Certificate, DL 101, used to report facts required by existing law and by the new reporting requirements. The dates of the latest revisions will be shown in the regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The following forms are incorporated by reference in Sections 120.00, 120.01, 120.02, and 124.93. These forms are not published in the California Code of Regulations because it would be impractical and cumbersome to publish these documents in the California Code of Regulations.

- Notice of Completion Certificate, DL 101 (REV 1/2007)
- Proof of Enrollment, DL 107 (REV 7/2006)

These documents are available upon request directly from the department and are reasonably available to the affected public from a commonly known or specified source.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. Driving Under the Influence Program providers will be required to submit specified forms to the department as they have always been required to do. The contents of the forms have been revised.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has

otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to Erik Meyer at (916) 657-8954 or emeyer@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 25.06, 25.07, 25.08, 25.09, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21 and 25.22 in Chapter 1, Division 1, Article 2.1 of Title 13, California Code of Regulations, relating to the Employer Testing Program.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **November 26, 2007**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret or make specific Sections 12804.9, 15250, and 15250.6 of the Vehicle Code and Sections 11340.5 and 11425.50(e) of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The department is authorized in Part 383 of Title 49 of the Code of Federal Regulations and by Vehicle Code Section 15250(c) to use third-party testers to conduct the commercial behind-the-wheel driving tests under specified conditions. Third-party testers, or Examiners, are required to conduct drive tests at least one time

in a 90 day period. A drive test consists of a pre-trip inspection, skills test and road test, all of which are to be documented by the examiner on forms specified by the department.

These proposed regulations will allow an examiner to conduct a drive test with an existing commercially licensed driver employed by a company to meet the 90 day requirement. These regulations will require the test to consist of a pre-trip inspection, skills test and road test on a department approved route and utilizing a department score sheet and will require supplemental documentation to be completed indicating the results of the test.

These amendments will also update revisions made to several departmental forms relating to the Employer Testing Program.

DOCUMENTS INCORPORATED BY REFERENCE

The following forms are incorporated by reference in Sections 25.06, 25.07, 25.08, 25.09, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21 and 25.22. These forms are not published in the California Code of Regulations because it would be impractical and cumbersome to publish these documents in the California Code of Regulations.

- Certificate of Driving Skill (DL 170 ETP, Rev. 9/2006)
- Firefighter's Certificate of Driving Skill (DL 170F ETP, Rev. 9/2006)
- Application for Employer Number (DL 520 ETP, Rev. 9/2006)
- Employer Testing Program Agreement (DL 520B ETP, Rev. 3/2007)
- Voluntary Cancellation Request of Employer Number (DL 520C ETP, Rev. 8/03)
- Commercial Driving Performance Evaluation Route and Directions (DL 814 ETP, Rev. 2/2003)
- Commercial DPE Maneuver Checklist (DL 807 ETP, Rev. 9/2006)
- Request for Reactivation employer Number (DL 817 ETP, Rev. 8/2003)
- Employer Testing Program Examiner Application (DL 811 ETP, Rev. 9/2006)
- ETP CDL Pre-Trip Inspection Evaluation Score Sheet (DL 65 ETP Part I, Rev. 4/2003)
- ETP CDL Driving Performance Evaluation Score Sheet (DL 65 ETP Part II, Rev. 4/2003)
- Driver Testing Log (DL 819 ETP, New 1/2005)
- Medical Examination Report (DL 51, Rev. 7/2006)
- Health Questionnaire (DL 546, Rev. 11/2004)

These forms are available to the public through the department's internet website and are available upon request directly from the department and are reasonably available to the affected public from a commonly known or specified source.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposed action will only allow employers to test existing license holders in order to meet their 90-day testing requirement.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will affect small businesses. Third-party testers will be able to meet their 90 day testing limit by being allowed to test existing commercially licensed drivers from their company.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the is-

ssues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons, Express Terms, and Form DL 520B ETP, Rev. 6/2007) may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Regulatory Actions Web Page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the pro-

posed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 15. BOARD OF PAROLE HEARINGS

DIVISION 2: CRIME PREVENTION AND CORRECTION

(formerly known as "Board of Prison Terms")

CHAPTER I. GENERAL

ARTICLE 5. INDIVIDUAL CASE DECISIONS

AMENDMENT TO SECTION 2041 REVIEW OF PROPOSED DECISIONS RN 07-04

NOTICE IS HEREBY GIVEN that the Board of Parole Hearings (board) proposes to amend Title 15, Division 2, California Code of Regulations (CCR) section 2041 subsection (h) concerning review of life prisoner parole decisions.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Government Code section 12838.4 and Penal Code sections 3052 and 5076.2, and to implement, interpret and/or make specific Penal Code sections 1170.2, 2964, 2966, 3041, 3060, 3063.5, 3063.6, 5075 and 5076.1, the board is considering changes to CCR Title 15 section 2041 subsection (h).

PUBLIC HEARING

The board has not scheduled a public hearing on this proposed regulatory action. However, the board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the board. **THE WRITTEN COMMENT PERIOD ON THIS PROPOSED REGULATORY ACTION WILL COMMENCE ON OCTOBER 12, 2007, AND WILL CLOSE AT 5:00 P.M. ON NOVEMBER 26, 2007.** In order for the comments to be considered by the board, they must be submitted in writing (by mail, fax or email) to the board's Contact Person identified in this Notice no later than the close of the comment period.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code section 3041(b) authorizes the board to review the panel's decisions relating to parole.

Title 15 CCR section 2041 subsection (h) currently provides that proposed parole suitability decisions made at hearings for life prisoners shall be reviewed by the chief counsel or designee.

Pursuant to the Inspector General's (IG) 2007 follow up audit, the IG reiterated the importance of establishing the review criteria for decisions granting and denying parole to life prisoners.

In this regulatory action, the board proposes to amend its regulatory provision pertaining to the process by which the board will review life parole suitability decisions. In particular, the proposed amendment requires that the chief counsel or designee review all grants of parole and a random sampling of denials of parole as specified by the board. This process will ensure that quality control standards are consistently met.

Government Code § 12838.4 vests the Board of Parole Hearings with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the former Board of Prison Terms and Narcotic Addict Evaluation Authority, which no longer exist.

Penal Code § 3052 vests with the board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go on parole outside of prison when eligible for parole.

Penal Code § 5076.2 authorizes the board to promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Local Mandates: The board has determined that the proposed action imposes no mandate upon local agencies or school districts.

Fiscal Impact Statement: The board has made the following initial determinations:

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: **None**
- Cost or savings to any state agency: **None**
- Other non-discretionary cost or savings imposed on local agencies: **None**
- Cost or savings in federal funding to the state: **None**

Significant Statewide Adverse Economic Impact on Business: The board has determined that there is no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment of Effects on Job and/or Business Creation, Elimination or Expansion: The board has determined that adoption of this regulation will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing business within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on Housing Costs: The board has made an initial determination that the proposed action will have no significant effect on housing costs.

Small Business Determination: The board has determined that the proposed regulation does not have a significant adverse economic impact on small business because small businesses are not affected by the internal management of State prisons.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested parties are accordingly invited to present statements or arguments with respect to any alternatives to the proposed changes during the public comment period.

CONTACT PERSON

Please direct requests for copies of the Initial Statement of Reasons, the proposed amended text of the regulation, or other information upon which the rulemaking is based to:

Devaney Sullivan, Regulations Coordinator
Board of Parole Hearings
PO Box 4036
Sacramento, CA 95812-4036
Telephone: (916) 322-6815
Facsimile: (916) 445-4086
E-mail: Devaney.Sullivan@cdcr.ca.gov

In any such inquiries, please identify the action by using the board's regulation control number RN 07-04.

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above: Elizabeth Geiger at (916) 324-6434 or Elizabeth.Geiger@cdcr.ca.gov.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The board will make the rulemaking file available to the public throughout the rulemaking process at its offices located at 1515 S Street, Suite 600, Sacramento, California. As of the date this Notice is published in the Office of Administrative Law's Notice Register, the rulemaking file consists of this Notice, Form 400 (Notice of Submission of Regulations), the proposed text of the regulation, Initial Statement of Reasons and Form 399 (Fiscal Impact Statement). Copies of these documents may be obtained by contacting the board's Contact Person at the address or phone number listed above or by visiting the board's Web site at:

http://www.cdcr.ca.gov/Divisions_Boards/BOPH/reg_revisions.html

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the board may adopt the proposed regulations substantially as described in this Notice. If the board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the board adopts the regulations as revised. Please send requests for copies of any modified regulation text to the attention of the Contact Person identified in this Notice or by visiting the board's Web site at http://www.cdcr.ca.gov/Divisions_Boards/BOPH/reg_revisions.html. The board will ac-

cept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained from the board's Regulation Coordinator or by visiting the board's Web site at:

http://www.cdcr.ca.gov/Divisions_Boards/BOPH/reg_revisions.html

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Crime Prevention and Corrections

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5, Penal Code (PC) Section 5058, and the rulemaking authority granted by PC Section 5058.3, in order to implement, interpret and make specific PC Section 5054, proposes to amend Section 3000 and adopt Section 3075.4 of the California Code of Regulations (CCR), Title 15 concerning earned discharge from parole.

PUBLIC HEARING

Date and Time: December 18, 2007 — 9:00 a.m. to 10:00 a.m.

Place: Corrections Standards Authority
Large Conference Room
660 Bercut Drive, West Entrance
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, December 18, 2007, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 341-7366; or by e-mail at RPMB@cdcr.ca.gov, before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 341-7390

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Randy Marshall
Regulation and Policy Management Branch
Telephone (916) 341-7390

Questions regarding the substance of the proposed regulatory action should be directed to:

Glenn Olson
Division of Adult Parole Operations
Telephone (916) 323-4063

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None*
- Cost or savings to any state agency: *No fiscal impact in current State Fiscal Year 07/08. Any minor costs associated with these regulations will be able to be absorbed within CDCR's existing budget and resources.*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based

(i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

In this regulatory action, the Secretary proposes to adopt regulatory provisions pertaining to the earned discharge from parole which are set forth in CCR, Title 15, Section 3075.4 as follows:

- This action adopts provisions that require the CDCR to evaluate an offender's past criminal history and their adjustment to parole six months upon release from an institution. These regulations define non-violent offenders and non-serious offenders with the purpose of identifying those non-violent and non-serious parolees who are at low risk for a re-offense, and determine if he/she may be eligible for a recommendation of an earned discharge after 180 days of continuous, violation free parole.
- These regulations establish the earned discharge review process (initial and final), and the criteria by which a parolee is determined either eligible or excluded. Included in this review process are three CDCR risk assessment forms which are closely based on a risk assessment tool that was developed by the Washington State Institute for Public Policy, and has been successfully used by the Washington State Department of Corrections (DOC). This risk review process and assessment forms will provide the Department's parole agents of record (AOR) and parole unit supervisors (US) the necessary tool that will consistently and more accurately assess and predict a parolee's risk to re-offend. Allowing earned discharge only for those parolees who have been accurately assessed as a low risk for a re-offense will enhance the safety and security of the general public.
- These regulations authorize the use of the risk assessment forms and specify how they are to be used when determining eligibility for an earned discharge. The new risk assessment forms, which are incorporated by reference into these regulations, are the CDCR Form 2162 (09/07), Earned Discharge Assessment, the CDCR Form 2162-A (09/07), Parole Performance Factors, and the CDCR Form 2162-B (09/07), Static Risk Factor Weighting. Utilizing both static risks (offender demographics and criminal history, factors that can't change) and dynamic risks (factors that can change), the forms are completed with the static risk scores entered into a database where they are electronically weighted and calculated. The end result is that a parolee is classified into one of a possible five risk level classifications and only those offenders classified as a low risk will be eligible for a recommendation. It is this static and dynamic risk assessment process that will ensure that a parolee is eligible, and deserving based on their individual personal behavior, for a recommendation an earned discharge.

- These regulations specify the final review process at the parole unit and clarify the responsibilities for the AOR and US when making a decision for a final determination for a recommendation. Once determined, the parole unit forwards the recommended cases to the Board of Parole Hearings (BPH), who is the parole authority, for BPH review and determination.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California, at 2:00 p.m. on November 27, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office at the above address not later than November 26, 2007 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret, or make specific Section 5550 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Section 119.7 — Examination Transition Plan — ARE 3.1 to 4.0

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations governing examinations and other rules and regulations as may be necessary. Section 5550 entitles any person who meets the qualifications set

forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations.

Existing regulations specify the transition plan for previous divisions of the licensing examination to the current divisions of the computer-based ARE. The proposed adoption of section 119.7 permits current candidates to continue to take the current version of the ARE (Version 3.1) through June 30, 2009. In addition, the proposed language outlines the transition plan effective July 1, 2009 for candidates who are not successful in passing all divisions under Version 3.1 and who will be required to transition to Version 4.0.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The proposed regulatory action will not result in costs or savings to any state agency, costs or savings to any local agency or school district that is required to be reimbursed under Part 7 of Division 4 (commencing with Section 17500 of the Government Code), other non-discretionary costs or savings on local agencies, or costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies

None

Local Mandate

The proposed regulatory action does not impose a mandate on local agencies or school districts.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement

None

Business Impact

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only candidates for examination and licensure.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it affects only candidates for examination and licensure.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

The proposed regulatory action will not have a significant effect on housing costs.

EFFECT ON SMALL BUSINESS

The proposed regulatory action will not affect small businesses, because it only affects candidates for examination and licensure.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California, 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Attn: Justin Sotelo
(916) 575-7212
(916) 575-7283 (FAX)
Justin_Sotelo@dca.ca.gov

The backup contact person is:

Vickie Mayer
(916) 575-7222
(916) 575-7283 (FAX)
Vickie_Mayer@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Justin Sotelo at (916) 575-7212.

Web site Access

Materials regarding this proposal can be found at www.cab.ca.gov.

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

ACTION: Notice of Emergency Rulemaking
Title 17, California Code of Regulations

SUBJECT: **Newborn Screening Fee Increase,**
DPH-06-013E

The California Department of Public Health (Department) has adopted the regulations described in this notice on an emergency basis, and they are now in effect.

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Public Health will conduct a public hearing commencing at 10 a.m. on December 3, 2007 in Training Rooms A and B, 1500 Capitol Avenue, Sacramento, CA, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

Other regulation changes may be scheduled for hearing at the same time appointed for public hearing on the action described in this notice. An agenda for the public hearing will be posted at the time and place of hearing designated above.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please write or call: Jasmin Delacruz, Office of Regulations and Hearings, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, phone (916) 440-7688 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Public Health (Department) is the successor to the Department of Health Services pursuant to Health and Safety (H&S) Code sections 131050 and 131051. H&S Code section 131200 authorizes the Department to promulgate regulations for the execution of its duties.

The Newborn Screening Program (program) is administered by the Department. H&S Code section 125000 requires screening of all newborns for heritable and congenital disorders and section 125025 requires screening for sickle cell anemia. Testing for hemoglobinopathies, phenylketonuria, hypothyroidism and galactosemia is mandated in Title 17, California Code of Regulations (CCR), Division 1, Chapter 4, section 6501. H&S Code section 125001 requires the Department to screen for tandem mass spectrometry screening for fatty acid oxidation, amino acid and organic acid disorders and congenital adrenal hyperplasia. Existing law, H&S Code sections 124977, 124996 and 125000, provides authority to the Department to establish fees and requires the Department to fully support the operation of the program by fees. The fee amounts are implemented in Title 17, CCR, section 6508.

The enacted State Budget for fiscal year 2006-07 authorized the expenditure of funds from the Genetic Disease Testing Fund (GDTF) for the expansion of newborn screening to include cystic fibrosis and biotinidase deficiency testing. Assembly Bill 1807 (Health Trailer Bill), Chapter 48, Statutes of 2006, amended H&S Code section 124977 to include expansion of the GDTF Information System to include cystic fibrosis and biotinidase deficiency information.

Specifically, this emergency regulatory action, pursuant to H&S Code section 124977(d)(1), amended Title 17, CCR, section 6508. The total fee for the newborn screening program services has increased from \$78 to \$102.75. The program participation fee was \$77 and has increased to \$101.75. The specimen record form fee remained the same at \$1. Therefore, the total fee for newborn screening program services is currently \$102.75.

The \$24.75 fee increase enables the Department to provide at its current authorized level a statewide newborn screening program that is consistent with medical standards, expanding medical knowledge, and the mandates of the Hereditary Disorders Act (H&S Code section 124996, et seq.). The increased fee was also necessary to provide the additional screening services, for cystic fibrosis and biotinidase deficiency, required under the amendment to H&S Code section 124977 and the State Budget for fiscal year 2006–07. As required by H&S Code section 124977 and 124996, the fee adjustment was necessary to assure that the newborn screening program continues to be fully supported “from the fees collected.”

These emergency regulatory changes do not conflict with or duplicate any federal or state statutes, regulations or policies.

AUTHORITY

Sections 124977, 124996, 125000, 131050, 131051 and 131200, Health and Safety Code.

REFERENCE

Sections 124977, 124996, 125000 and 125001, Health and Safety Code.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations and Hearings by 5 p.m. on December 5, 2007, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1–800–735–2929, if you have a TDD; or 1–800–735–2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations and Hearings, California Department of Public Health, MS 0507, 1501 Capitol Avenue, P.O. Box 997377, Sacramento, CA 95899–7377. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440–7714; or
3. By email to regulations@cdph.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier “**DPH–06–013E**” in the subject line to facilitate timely identification and review of the comment).

All comments, including email or fax transmissions, should include the author’s name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for emergency changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Kathleen Velazquez of the Newborn Screening Branch, Genetic Disease Program at (510) 412–1534.

All other inquiries concerning the action described in this notice may be directed to Jasmin Delacruz of the Office of Regulations and Hearings at (916) 440–7688, or to the designated backup contact person, Barbara Gallaway, at (916) 440–7689.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH–06–013E.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. The Office of Regulations and Hearings, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations and Hearings.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulations@cdph.ca.gov, or write to the Office of Regulations and Hearings at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations and Hearings at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: These emergency regulations result in costs to the Medi-Cal program of \$2,491,125 General Fund in Fiscal Year 2006-07.
- C. Fiscal Effect on Federal Funding of State Programs: These emergency regulations result in costs of \$2,491,125 (federal portion of Medi-Cal costs) in Fiscal Year 2006-07.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: Persons having no health insurance coverage would incur a net cost increase of \$24.75 per newborn screening test in compliance with this emergency action. Representative business, such as insurance companies providing health care coverage, would incur an increase cost of \$24.75 per newborn screening. Except for these impacts, private persons and business would not incur any direct

costs in compliance with the emergency regulations.

- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

It is unlikely that a \$24.75 increase in newborn screening fees, paid by the hospital of birth to the Department, is sufficient to require any significant increase in premiums for health insurance charged to businesses. Past increases in newborn screening fees had no adverse business impacts that were reported to the Department.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations may have a small but undeterminable economic impact on some small businesses.

The Department has determined that the regulations will have no impact on housing costs.

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the emergency action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

There are no acceptable alternatives available if the current quantity and quality of program services are to be expanded and maintained consistent with medical standards. Discontinuation or reduction of program services, which are the only other alternatives, would result in preventable newborn mortality and morbidity.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

ERRATA

TITLE 13 and 17. AIR RESOURCES BOARD

By notice dated August 28, 2007, and published in the September 7, 2007, California Regulatory Notice Register, Register No. 36-Z, the Air Resources Board (the “Board” or “ARB”) provided Notice of Public Hearing to Consider the Adoption of Proposed Regulations to Reduce Emissions from Diesel Engines on Commercial Harbor Craft Operated within California Waters and 24 Nautical Miles of the California Baseline.

PLEASE BE ADVISED there are errors in the posted regulatory documents regarding several tables wherein when converted to PDF format, “≥” or “≤” symbols were converted to “=” symbol:

The Initial Statement of Reasons, page 8, Table 4 appeared as follows:

Table 4: U.S. EPA Marine Engine Standards Effective Dates and Emission Limits for Category 1 and Category 2 Engines Used in Harbor Craft

Category	Tier Level	Adoption Date	Effective Date	PM (g/bhp-hr)	NOx (g/bhp-hr)
1	1	IMO 1997 U.S. EPA 2003	2000 2004	N/A	7.3–12.7 ^B
	2	U.S. EPA 1999	2004–2007	0.15–0.3	5.4–5.6 ^C
	3	U.S. EPA proposed 2007	2009–2114	0.08–0.3	3.5–5.6 ^C
	4 ^A	U.S. EPA proposed 2007	2017	0.03	1.3
2	1	IMO 1997 U.S. EPA 2003	2000 2004	N/A	7.3– 12.7 ^B
	2	U.S. EPA 1999	2007	0.2	5.8 ^C
	3	U.S. EPA proposed 2007	2013	0.1	4.6 ^C
	4 ^A	U. S. EPA proposed 2007	2016–2017	0.03	1.3

(40 CFR Part 94)

^A Applies only to engines with maximum horsepower rating of 800 hp (600 kW) or more.

^BStandard is a function of engine speed, revolutions per minute (rpm). Standard=12.7 for engines with engine speed = 2000 rpm. Standard=7.3 for engines with engine speed = 130 rpm. For engines between 130 and 2000 rpm, standard = $33.57 \times \text{rpm}^{-0.2}$.

^C NOx is NOx + total HC.

The Initial Statement of Reasons, page 8, Table 4 has been corrected as follows:

Table 4: U.S. EPA Marine Engine Standards Effective Dates and Emission Limits for Category 1 and Category 2 Engines Used in Harbor Craft

Category	Tier Level	Adoption Date	Effective Date	PM (g/bhp-hr)	NOx (g/bhp-hr)
1	1	IMO 1997 U.S. EPA 2003	2000 2004	N/A	7.3 – 12.7 ^B
	2	U.S. EPA 1999	2004–2007	0.15–0.3	5.4–5.6 ^C
	3	U.S. EPA proposed 2007	2009–2114	0.08–0.3	3.5–5.6 ^C
	4 ^A	U.S. EPA proposed 2007	2017	0.03	1.3
2	1	IMO 1997 U.S. EPA 2003	2000 2004	N/A	7.3– 12.7 ^B
	2	U.S. EPA 1999	2007	0.2	5.8 ^C
	3	U.S. EPA proposed 2007	2013	0.1	4.6 ^C
	4 ^A	U. S. EPA proposed 2007	2016–2017	0.03	1.3

(40 CFR Part 94)

^A Applies only to engines with maximum horsepower rating of 800 hp (600 kW) or more.

^B Standard is a function of engine speed, revolutions per minute (rpm). Standard=12.7 for engines with engine speed \geq 2000 rpm. Standard=7.3 for engines with engine speed \leq 130 rpm. For engines between 130 and 2000 rpm, standard = $33.57 \times \text{rpm}^{-0.2}$.

^C NOx is NOx + total HC.

The Initial Statement of Reasons, page 10, Table 5 appeared as follows:

Table 5: Compliance Dates for Vessels with Homeports outside SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Year
1975 and earlier	= 1500	12/31/2009
1975 and earlier	= 300 and < 1500	12/31/2010
1976–1985	=1500	12/31/2011
1976–1985	= 300 and < 1500	12/31/2012
1986–1995	= 1500	12/31/2013
1986–1995	= 300 and < 1500	12/31/2014
1996–2000	=1500	12/31/2015
1996–2000	= 300 and < 1500	12/31/2016
2001–2002	= 300	12/31/2017
2003	=300	12/31/2018
2004	= 300	12/31/2019
2005	= 300	12/31/2020
2006	= 300	12/31/2021
2007	= 300	12/31/2022

[Note: For example, if a 1982–model year diesel engine on a tugboat operating in Regulated California Waters is used for 750 hours in 2011, the owner or operator must bring the engine into compliance with the emission standards by December 31, 2012.]

The Initial Statement of Reasons, page 10, Table 5 has been corrected as follows:

Table 5: Compliance Dates for Vessels with Homeports outside SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Year
1975 and earlier	≥ 1500	12/31/2009
1975 and earlier	≥ 300 and < 1500	12/31/2010
1976–1985	≥ 1500	12/31/2011
1976–1985	≥ 300 and < 1500	12/31/2012
1986–1995	≥ 1500	12/31/2013
1986–1995	≥ 300 and < 1500	12/31/2014
1996–2000	≥ 1500	12/31/2015
1996–2000	≥ 300 and < 1500	12/31/2016
2001–2002	≥ 300	12/31/2017
2003	≥ 300	12/31/2018
2004	≥ 300	12/31/2019
2005	≥ 300	12/31/2020
2006	≥ 300	12/31/2021
2007	≥ 300	12/31/2022

[Note: For example, if a 1982–model year diesel engine on a tugboat operating in Regulated California Waters is used for 750 hours in 2011, the owner or operator must bring the engine into compliance with the emission standards by December 31, 2012.]

The Technical Support Document, page II–3, Table II–2 appeared as follows:

Table II–2: U.S. EPA Tier 1 Standards for Marine Diesel Engines Used in Harbor Craft

Category	Horsepower	Engine Speed	Effective Date	PM (g/bhp–hr) ^A	NOx (g/bhp–hr) ^A	NOx + HC (g/bhp–hr) ^A
Small	< 11	—	2000	0.75	—	7.8
	11 to < 25	—	2000	0.60	—	7.1
	25 to < 50	—	1999	0.60	—	7.1
1 and 2	50 to < 5000	rpm = 2000	2004	—	7.3	—
		130 = rpm < 2000	2004	—	33.57Xrpm 0.2	—
		rpm < 130	2004	—	12.7	—

(40 CFR Part 94)

^A Converted standards from 40 CFR 94, which are expressed in grams per kilowatt–hour (g/kW–hr), to grams per brake horsepower–hour (g/bhp–hr), by the following: g/kW–hr X 0.746= g/bhp–hr

The Technical Support Document, page II-3, Table II-2 has been corrected as follows:

Table II-2: U.S. EPA Tier 1 Standards for Marine Diesel Engines Used in Harbor Craft

Category	Horsepower	Engine Speed	Effective Date	PM (g/bhp-hr) ^A	NOx (g/bhp-hr) ^A	NOx + HC (g/bhp-hr) ^A
Small	< 11	—	2000	0.75	—	7.8
	11 to < 25	—	2000	0.60	—	7.1
	25 to <50	—	1999	0.60	—	7.1
1 and 2	50 to < 5000	rpm ≥ 2000	2004	—	7.3	—
		130 ≤ rpm < 2000	2004	—	33.57Xrpm ^{0.2}	—
		rpm < 130	2004	—	12.7	—

(40 CFR Part 94)

^A Converted standards from 40 CFR 94, which are expressed in grams per kilowatt-hour (g/kW-hr), to grams per brake horsepower-hour (g/bhp-hr), by the following: g/kW-hr X 0.746= g/bhp-hr

The Technical Support Document, page III-8, Table III-3 appeared as follows:

Table III-3: U.S. EPA Marine Engine Standards Effective Dates and Emission Limits for Category 1 and Category 2 Engines Used in Harbor Craft

Category	Tier Level	Adoption Date	Effective Date	PM (g/bhp-hr) ^A	NOx (g/bhp-hr) ^A
1	1	IMO 1997 U.S. EPA 2003	2000 2004	N/A	7.3–12.7 ^B
	2	U.S. EPA 1999	2004–2007	0.15–0.3	5.4–5.6 ^E
	3	U.S. EPA proposed 2007 ^C	2009–2114	0.08–0.3	3.5–5.6 ^E
	4 ^D	U.S. EPA proposed 2007 ^C	2017	0.03	1.3
2	1	IMO 1997 U.S. EPA 2003	2000 2004	N/A	7.3– 12.7 ^B
	2	U.S. EPA 1999	2007	0.2	5.8 ^E
	3	U.S. EPA proposed 2007 ^C	2013	0.1	4.6 ^E
	4 ^D	U. S. EPA proposed 2007 ^C	2016–2017	0.03	1.3

(40 CFR Part 94)

^A Converted standards from 40 CFR 94, which are expressed in g/kW-hr, to g/bhp-hr, by the following: g/kW-hr X 0.746= g/bhp-hr

^B Standard is a function of engine speed, revolutions per minute (rpm). Standard=12.7 for engines with engine speed = 2000 rpm. Standard=7.3 for engines with engine speed = 130 rpm. For engines between 130 and 2000 rpm, standard = 33.57 X rpm^{-0.2}.

^C Proposed U.S. EPA marine engine Standard per April 3, 2007. Draft Locomotive and Marine Notice of Proposed Rule Making (NPRM).

^D Applies only to engines with maximum horsepower rating of 800 hp (600 kW) or more.

^E NOx is NOx + total HC.

The Technical Support Document, page III–8, Table III–3 has been corrected as follows:

Table III–3: U.S. EPA Marine Engine Standards Effective Dates and Emission Limits for Category 1 and Category 2 Engines Used in Harbor Craft

Category	Tier Level	Adoption Date	Effective Date	PM (g/bhp–hr) ^A	NOx (g/bhp–hr) ^A
1	1	IMO 1997 U.S. EPA 2003	2000 2004	N/A	7.3–12.7 ^B
	2	U.S. EPA 1999	2004–2007	0.15–0.3	5.4–5.6 ^E
	3	U.S. EPA proposed 2007 ^C	2009–2114	0.08–0.3	3.5–5.6 ^E
	4 ^D	U.S. EPA proposed 2007 ^C	2017	0.03	1.3
2	1	IMO 1997 U.S. EPA 2003	2000 2004	N/A	7.3– 12.7 ^B
	2	U.S. EPA 1999	2007	0.2	5.8 ^E
	3	U.S. EPA proposed 2007 ^C	2013	0.1	4.6 ^E
	4 ^D	U. S. EPA proposed 2007 ^C	2016–2017	0.03	1.3

(40 CFR Part 94)

^A Converted standards from 40 CFR 94, which are expressed in g/kW–hr, to g/bhp–hr, by the following: g/kW–hr X 0.746= g/bhp–hr

^B Standard is a function of engine speed, revolutions per minute (rpm). Standard=12.7 for engines with engine speed ≥ 2000 rpm. Standard=7.3 for engines with engine speed ≤ 130 rpm. For engines between 130 and 2000 rpm, standard = $33.57 \times \text{rpm}^{-0.2}$.

^C Proposed U.S. EPA marine engine Standard per April 3, 2007. Draft Locomotive and Marine Notice of Proposed Rule Making (NPRM).

^D Applies only to engines with maximum horsepower rating of 800 hp (600 kW) or more.

^E NOx is NOx + total HC.

The Technical Support Document, page V–12, Tables V–2 and V–3 appeared as follows:

Table V–2: Compliance Dates for Vessels with Homeports Outside SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Year
1975 and earlier	= 1500	12/31/2009
1975 and earlier	= 300 and < 1500	12/31/2010
1976–1985	= 1500	12/31/2011
1976–1985	= 300 and < 1500	12/31/2012
1986–1995	= 1500	12/31/2013
1986–1995	= 300 and < 1500	12/31/2014
1996–2000	=1500	12/31/2015
1996–2000	= 300 and < 1500	12/31/2016
2001–2002	= 300	12/31/2017
2003	=300	12/31/2018
2004	= 300	12/31/2019
2005	= 300	12/31/2020
2006	= 300	12/31/2021
2007	= 300	12/31/2022

[Note: For example, if a 1982–model year diesel engine on a tugboat operating in Regulated California Waters is used for 750 hours in 2011, the owner or operator must bring the engine into compliance with the emission standards by December 31, 2012.]

Table V-3: Compliance Dates for Vessels with Homeports in SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Year
1979 and earlier	= 300	12/31/2009
1980–1985	= 300	12/31/2010
1986–1990	= 300	12/31/2011
1991–1995	= 300	12/31/2012
1996–2000	= 300	12/31/2013
2001	=300	12/31/2014
2002	= 300	12/31/2015
2003	= 300	12/31/2016
2004	= 300	12/31/2017
2005	= 300	12/31/2018
2006	= 300	12/31/2019
2007	= 300	12/31/2020

[Note: For example, if a 1982–model year diesel engine on a tugboat operating in Regulated California Waters is used for 300 or more hours in 2009, the owner or operator must bring the engine into compliance with the emission standards by December 31, 2010.].

The Technical Support Document, page V-12, Tables V-2 and V-3 have been corrected as follows:

Table V-2: Compliance Dates for Vessels with Homeports Outside SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Year
1975 and earlier	≥ 1500	12/31/2009
1975 and earlier	≥ 300 and < 1500	12/31/2010
1976–1985	≥ 1500	12/31/2011
1976–1985	≥ 300 and < 1500	12/31/2012
1986–1995	≥ 1500	12/31/2013
1986–1995	≥ 300 and < 1500	12/31/2014
1996–2000	≥ 1500	12/31/2015
1996–2000	≥ 300 and < 1500	12/31/2016
2001–2002	≥ 300	12/31/2017
2003	≥ 300	12/31/2018
2004	≥ 300	12/31/2019
2005	≥ 300	12/31/2020
2006	≥ 300	12/31/2021
2007	≥ 300	12/31/2022

[Note: For example, if a 1982–model year diesel engine on a tugboat operating in Regulated California Waters is used for 750 hours in 2011, the owner or operator must bring the engine into compliance with the emission standards by December 31, 2012.].

Table V-3: Compliance Dates for Vessels with Homeports in SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Year
1979 and earlier	≥ 300	12/31/2009
1980–1985	≥ 300	12/31/2010
1986–1990	≥ 300	12/31/2011
1991–1995	≥ 300	12/31/2012
1996–2000	≥ 300	12/31/2013
2001	≥ 300	12/31/2014
2002	≥ 300	12/31/2015
2003	≥ 300	12/31/2016
2004	≥ 300	12/31/2017
2005	≥ 300	12/31/2018
2006	≥ 300	12/31/2019
2007	≥ 300	12/31/2020

[Note: For example, if a 1982-model year diesel engine on a tugboat operating in Regulated California Waters is used for 300 or more hours in 2009, the owner or operator must bring the engine into compliance with the emission standards by December 31, 2010.].

The Technical Support Document, page VIII-25, Table VIII-16 appeared as follows:

Table VIII-16: Carl Moyer Program Project Completion Deadline for In-Use Ferries, Excursion Vessels, Tugboats, and Towboats, Except those with Homeport in the SCAQMD

Engine Model Year	Total Annual Hours of Operation	Proposed Rule Compliance Deadline	Moyer Project Completion Deadline
Pre-1975	= 1500	12/31/2009	No funds available
Pre-1975	300–1500	12/31/2010	12/31/2007
1976–1985	= 1500	12/31/2011	12/31/2008
1976–1985	300–1500	12/31/2012	12/31/2009
1986–1995	= 1500	12/31/2013	12/31/2010
1986–1995	300–1500	12/31/2014	12/31/2011
1996–2000	= 1500	12/31/2015	12/31/2012
1996–2000	300–1500	12/31/2016	12/31/2013
2001–2002	= 300	12/31/2017	12/31/2014
2003+	= 300	12/31/2018	12/31/2015

The Technical Support Document, page VIII–25, Table VIII–16 has been corrected as follows:

Table VIII–16: Carl Moyer Program Project Completion Deadline for In–Use Ferries, Excursion Vessels, Tugboats, and Towboats, Except those with Homeport in the SCAQMD

Engine Model Year	Total Annual Hours of Operation	Proposed Rule Compliance Deadline	Moyer Project Completion Deadline
Pre–1975	≥ 1500	12/31/2009	No funds available
Pre–1975	300–1500	12/31/2010	12/31/2007
1976–1985	≥ 1500	12/31/2011	12/31/2008
1976–1985	300–1500	12/31/2012	12/31/2009
1986–1995	≥ 1500	12/31/2013	12/31/2010
1986–1995	300–1500	12/31/2014	12/31/2011
1996–2000	≥ 1500	12/31/2015	12/31/2012
1996–2000	300–1500	12/31/2016	12/31/2013
2001–2002	≥ 300	12/31/2017	12/31/2014
2003+	≥ 300	12/31/2018	12/31/2015

Appendix A of both the Staff Report and the Technical Support Document, page A–14, Tables 1 and 2 appeared as follows:

Table 1: U.S. EPA Tier 1 Marine Engine Emission Standards

Category	Power (kW) & Displacement (Liters/cylinder)	Engine Speed	Tier 1 Model Year	PM (g/bhp–hr)	NO _x +HC (g/bhp–hr)	CO (g/bhp–hr)
1, 2, 3, including Recreational	= 37 kW & = 2.5 l/cyl	rpm =2000	2004	—	7.3	—
		130 = rpm < 2000	2004	—	33.57 x rpm ^{-0.2}	—
		rpm < 130	2004	—	12.7	—

(40 CFR Part 94)

*converted maximum power rating from 40 CFR 94, which are expressed in g/kW–hr to g/hp–hr the following: g/kW–hr (0.746) = g/hp–hr.

Table 2: U.S. EPA Tier 2 Marine Engine Emission Standards for NO_x + HC, PM, and CO

Category	Displacement (liters/cylinder)	Date	NO _x +HC (g/bhp–hr)*	PM (g/bhp–hr)*	CO (g/bhp–hr)
1	Disp.< 0.9 and power =50 hp*	2005	5.6	0.30	3.7
	0.9 = Disp. < 1.2	2004	5.4	0.22	3.7
	1.2 = Disp. < 2.5	2004	5.4	0.15	3.7
	2.5 = Disp. < 5.0	2007	5.4	0.15	3.7
2	5.0 = Disp. < 15	2007	5.8	0.20	3.7
	15 = Disp. < 20 (power < 4424 hp*)	2007	6.5	0.37	3.7
	15 = Disp. < 20 (power = 4424 hp*)	2007	7.3	0.37	3.7
	20 = Disp. < 25	2007	7.3	0.37	3.7
	25 = Disp. < 30	2007	8.2	0.37	3.7

(40 CFR Part 94)

*converted maximum power rating from 40 CFR 94, which are expressed in g/kW–hr to g/hp–hr by the following: g/kW–hr (0.746) = g/hp–hr or kW (1.34) = hp

Appendix A of both the Staff Report and the Technical Support Document, page A-14,
Tables 1 and 2 have been corrected as follows:

Table 1: U.S. EPA Tier 1 Marine Engine Emission Standards

Category	Power (kW) & Displacement (Liters/cylinder)	Engine Speed	Tier 1 Model Year	PM (g/bhp-hr)	NO _x +HC (g/bhp-hr)	CO (g/bhp-hr)
1, 2, 3, including Recreational	≥ 37 kW & ≥ 2.5 l/cyl	rpm ≥ 2000	2004	—	7.3	—
		130 ≤ rpm < 2000	2004	—	33.57 x rpm ^{-0.2}	—
		rpm < 130	2004	—	12.7	—

(40 CFR Part 94)

*converted maximum power rating from 40 CFR 94, which are expressed in g/kW-hr to g/hp-hr by the following: g/kW-hr (0.746) = g/hp-hr.

Table 2: U.S. EPA Tier 2 Marine Engine Emission Standards for NO_x + HC, PM, and CO

Category	Displacement (liters/cylinder)	Date	NO _x +HC (g/bhp-hr)*	PM (g/bhp-hr)*	CO (g/bhp-hr)
1	Disp. < 0.9 and power ≥ 50 hp*	2005	5.6	0.30	3.7
	0.9 ≤ Disp. < 1.2	2004	5.4	0.22	3.7
	1.2 ≤ Disp. < 2.5	2004	5.4	0.15	3.7
	2.5 ≤ Disp. < 5.0	2007	5.4	0.15	3.7
2	5.0 ≤ Disp. < 15	2007	5.8	0.20	3.7
	15 ≤ Disp. < 20 (power < 4424 hp*)	2007	6.5	0.37	3.7
	15 ≤ Disp. < 20 (power ≥ 4424 hp*)	2007	7.3	0.37	3.7
	20 ≤ Disp. < 25	2007	7.3	0.37	3.7
	25 ≤ Disp. < 30	2007	8.2	0.37	3.7

(40 CFR Part 94)

*converted maximum power rating from 40 CFR 94, which are expressed in g/kW-hr to g/hp-hr by the following: g/kW-hr (0.746) = g/hp-hr or kW (1.34) = hp

Appendix A of both the Staff Report and the Technical Support Document, page A–25, Table 7 appeared as follows:

Table 7. Compliance Dates for Vessels with Homeports Outside SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Date
1975 and earlier	= 1500	12/31/2009
1975 and earlier	= 300 and < 1500	12/31/2010
1976–1985	= 1500	12/31/2011
1976–1985	= 300 and < 1500	12/31/2012
1986–1995	= 1500	12/31/2013
1986–1995	= 300 and < 1500	12/31/2014
1996–2000	= 1500	12/31/2015
1996–2000	= 300 and < 1500	12/31/2016
2001–2002	= 300	12/31/2017
2003	= 300	12/31/2018
2004	= 300	12/31/2019
2005	= 300	12/31/2020
2006	= 300	12/31/2021
2007	= 300	12/31/2022

[Note: For example, if a 1982–model year diesel engine on a tugboat operating in Regulated California Waters is used for 750 hours in 2011, the owner or operator must bring the engine into compliance with the requirements of subsection (e)(6)(D) by December 31, 2012.].

Appendix A of both the Staff Report and the Technical Support Document, page A–25, Table 7 has been corrected as follows:

Table 7. Compliance Dates for Vessels with Homeports Outside SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Date
1975 and earlier	≥ 1500	12/31/2009
1975 and earlier	≥ 300 and < 1500	12/31/2010
1976–1985	≥ 1500	12/31/2011
1976–1985	≥ 300 and < 1500	12/31/2012
1986–1995	≥ 1500	12/31/2013
1986–1995	≥ 300 and < 1500	12/31/2014
1996–2000	≥ 1500	12/31/2015
1996–2000	≥ 300 and < 1500	12/31/2016
2001–2002	≥ 300	12/31/2017
2003	≥ 300	12/31/2018
2004	≥ 300	12/31/2019
2005	≥ 300	12/31/2020
2006	≥ 300	12/31/2021
2007	≥ 300	12/31/2022

[Note: For example, if a 1982–model year diesel engine on a tugboat operating in Regulated California Waters is used for 750 hours in 2011, the owner or operator must bring the engine into compliance with the requirements of subsection (e)(6)(D) by December 31, 2012.].

Appendix A of both the Staff Report and the Technical Support Document, page A-53,
Tables 1 and 2 appeared as follows:

Table 1: U.S. EPA Tier 1 Marine Engine Emission Standards

Category	Power (kW) & Displacement (Liters/cylinder)	Engine Speed	Tier 1 Model Year	PM (g/bhp-hr)	NO _x +HC (g/bhp-hr)	CO (g/bhp-hr)
1, 2, 3, including Recreational	= 37 kW & = 2.5 l/cyl	rpm =2000	2004	—	7.3	—
		130 = rpm < 2000	2004	—	33.57 x rpm ^{-0.2}	—
		rpm < 130	2004	—	12.7	—

(40 CFR Part 94)

*converted maximum power rating from 40 CFR 94, which are expressed in g/kW-hr to g/hp-hr the following: g/kW-hr (0.746) = g/hp-hr.

Table 2: U.S. EPA Tier 2 Marine Engine Emission Standards for NO_x + HC, PM, and CO

Category	Displacement (liters/cylinder)	Date	NO _x +HC (g/bhp-hr)*	PM (g/bhp-hr)*	CO (g/bhp-hr)
1	Disp.< 0.9 and power =50 hp*	2005	5.6	0.30	3.7
	0.9 = Disp. < 1.2	2004	5.4	0.22	3.7
	1.2 = Disp. < 2.5	2004	5.4	0.15	3.7
	2.5 = Disp. < 5.0	2007	5.4	0.15	3.7
2	5.0 = Disp. < 15	2007	5.8	0.20	3.7
	15 = Disp. < 20 (power < 4424 hp*)	2007	6.5	0.37	3.7
	15 = Disp. < 20 (power = 4424 hp*)	2007	7.3	0.37	3.7
	20 = Disp. < 25	2007	7.3	0.37	3.7
	25 = Disp. < 30	2007	8.2	0.37	3.7

(40 CFR Part 94)

*converted maximum power rating from 40 CFR 94, which are expressed in g/kW-hr to g/hp-hr by the following: g/kW-hr (0.746) = g/hp-hr or kW (1.34) = hp

Appendix A of both the Staff Report and the Technical Support Document, page A-53,
Tables 1 and 2 has been corrected as follows:

Table 1: U.S. EPA Tier 1 Marine Engine Emission Standards

Category	Power (kW) & Displacement (Liters/cylinder)	Engine Speed	Tier 1 Model Year	PM (g/bhp-hr)	NO _x +HC (g/bhp-hr)	CO (g/bhp-hr)
1, 2, 3, including Recreational	≥ 37 kW & ≥ 2.5 l/cyl	rpm > 2000	2004	—	7.3	—
		130 ≤ rpm < 2000	2004	—	33.57 x rpm ^{-0.2}	—
		rpm < 130	2004	—	12.7	—

(40 CFR Part 94)

*converted maximum power rating from 40 CFR 94, which are expressed in g./kW-hr to g/hp-hr the following: g/kW-hr (0.746) = g/hp-hr.

Table 2: U.S. EPA Tier 2 Marine Engine Emission Standards for NO_x + HC, PM, and CO

Category	Displacement (liters/cylinder)	Date	NO _x +HC (g/bhp-hr)*	PM (g/bhp-hr)*	CO (g/bhp-hr)
1	Disp.< 0.9 and power ≥ 50 hp*	2005	5.6	0.30	3.7
	0.9 ≤ Disp. < 1.2	2004	5.4	0.22	3.7
	1.2 ≤ Disp. < 2.5	2004	5.4	0.15	3.7
	2.5 ≤ Disp. < 5.0	2007	5.4	0.15	3.7
2	5.0 ≤ Disp. < 15	2007	5.8	0.20	3.7
	15 ≤ Disp. < 20 (power < 4424 hp*)	2007	6.5	0.37	3.7
	15 ≤ Disp. < 20 (power ≥ 4424 hp*)	2007	7.3	0.37	3.7
	20 ≤ Disp. < 25	2007	7.3	0.37	3.7
	25 ≤ Disp. < 30	2007	8.2	0.37	3.7

(40 CFR Part 94)

*converted maximum power rating from 40 CFR 94, which are expressed in g/kW-hr to g/hp-hr by the following: g/kW-hr (0.746) = g/hp-hr or kW (1.34) = hp

Appendix A of both the Staff Report and the Technical Support Document, page A-64, Table 7 appeared as follows:

Table 7. Compliance Dates for Vessels with Homeports Outside SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Year
1975 and earlier	= 1500	12/31/2009
1975 and earlier	= 300 and < 1500	12/31/2010
1976-1985	= 1500	12/31/2011
1976-1985	= 300 and < 1500	12/31/2012
1986-1995	= 1500	12/31/2013
1986-1995	= 300 and < 1500	12/31/2014
1996-2000	= 1500	12/31/2015
1996-2000	= 300 and < 1500	12/31/2016
2001-2002	= 300	12/31/2017
2003	= 300	12/31/2018
2004	= 300	12/31/2019
2005	= 300	12/31/2020
2006	= 300	12/31/2021
2007	= 300	12/31/2022

[Note: For example, if a 1982-model year diesel engine on a tugboat operating in Regulated California Waters is used for 750 or more hours in 2011, the owner or operator must bring the engine into compliance with the requirements of subsection (e)(6)(D) by December 31, 2012.].

Appendix A of both the Staff Report and the Technical Support Document, page A-64,
Table 7 has been corrected as follows:

Table 7. Compliance Dates for Vessels with Homeports Outside SCAQMD

Engine Model Year	Total Annual Hours of Operation	Compliance Year
1975 and earlier	≥ 1500	12/31/2009
1975 and earlier	≥ 300 and < 1500	12/31/2010
1976–1985	≥ 1500	12/31/2011
1976–1985	≥ 300 and < 1500	12/31/2012
1986–1995	≥ 1500	12/31/2013
1986–1995	≥ 300 and < 1500	12/31/2014
1996–2000	≥ 1500	12/31/2015
1996–2000	≥ 300 and < 1500	12/31/2016
2001–2002	≥ 300	12/31/2017
2003	≥ 300	12/31/2018
2004	≥ 300	12/31/2019
2005	≥ 300	12/31/2020
2006	≥ 300	12/31/2021
2007	≥ 300	12/31/2022

[Note: For example, if a 1982–model year diesel engine on a tugboat operating in Regulated California Waters is used for 750 or more hours in 2011, the owner or operator must bring the engine into compliance with the requirements of subsection (e)(6)(D) by December 31, 2012.].

PLEASE BE ADVISED there are errors in the posted regulatory document regarding emission totals listed in the Technical Support Document, page III–15, Table III–8, “Estimated 2004 Harbor Craft Emissions by District” shows the Ventura County APCD PM and NOx total are incorrect:

Table III–8: Estimated 2004 Harbor Craft Emissions by District

District	PM(tpd) ^A	NOx(tpd) ^A
Bay Area AQMD	1.2	26.9
South Coast AQMD	0.8	18.7
San Diego County APCD	0.4	9.2
Monterey Bay Unified APCD	0.2	3.6
Ventura County APCD	0.2	3.5
Santa Barbara County APCD	0.1	2.7
North Coast Unified APCD	0.1	2.3
Yolo/Solano AQMD	0.1	1.9
San Luis Obispo County APCD	0.1	1.4
Mendocino County AQMD	0.1	1.3
Northern Sonoma County APCD	0.1	1.2
San Joaquin Valley Unified APCD	<0.1	0.8
El Dorado County APCD	<0.1	0.3
Placer County APCD	<0.1	0.3
Totals	3.3^B	73.2^B

^A Emissions in tons per day (tpd)

^B Numbers may not add up due to rounding

The Technical Support Document, page III–15, Table III–8 has been corrected as follows:

Table III–8: Estimated 2004 Harbor Craft Emissions by District

District	PM(tpd) ^A	NOx(tpd) ^A
Bay Area AQMD	1.2	26.9
South Coast AQMD	0.8	18.7
San Diego County APCD	0.4	9.2
Monterey Bay Unified APCD	0.2	3.6
Ventura County APCD	0.1	2.5
Santa Barbara County APCD	0.1	2.7
North Coast Unified APCD	0.1	2.3
Yolo/Solano AQMD	0.1	1.9
San Luis Obispo County APCD	0.1	1.4
Mendocino County AQMD	0.1	1.3
Northern Sonoma County APCD	0.1	1.2
San Joaquin Valley Unified APCD	<0.1	0.8
El Dorado County APCD	<0.1	0.3
Placer County APCD	<0.1	0.3
Totals	3.3^B	73.2^B

^A Emissions in tons per day (tpd)

^B Numbers may not add up due to rounding

PLEASE BE ADVISED there is an error in the posted regulatory document regarding emission totals listed in the Technical Support Document, Appendix B,

page B-30, Table III-3, "NOx, PM Emissions By Air District and Air Basin in 2004" the table lists the NOx emissions incorrectly as "Tons/year":

Table III-3 NOx, PM Emissions By Air District and Air Basin in 2004

Air Districts	Number of Vessels	NOx Tons/year	NOx in OCS	PM Tons/day	PM in OCS
Bay Area AQMD (BA)	1,468	26.9	10.2	1.2	0.5
El Dorado County APCD (ED)	9	0.3	0.0	0.0	0.0
Mendocino County AQMD (MEN)	169	1.3	1.1	0.1	0.0
Monterey Bay Unified APCD (MBU)	379	3.6	2.7	0.2	0.1
North Coast Unified APCD (NCU)	299	2.3	1.9	0.1	0.1
Northern Sonoma County APCD (NS)	145	1.2	1.0	0.1	0.0
Placer County APCD (PLA)	9	0.3	0.0	0.0	0.0
San Diego County APCD (SD)	307	9.2	5.5	0.4	0.2
San Joaquin Valley Unified APCD (SJU)	43	0.8	0.0	0.0	0.0
San Luis Obispo County APCD (SLO)	145	1.4	1.1	0.1	0.1
Santa Barbara County APCD (SB)	193	2.7	2.0	0.1	0.1
South Coast AQMD (SC)	745	18.7	11.7	0.8	0.5
Ventura County APCD (VEN)	194	2.5	1.8	0.1	0.1
Yolo/Solano AQMD (YS)	81	1.9	0.0	0.1	0.0
Total	4,185	73.2	38.9	3.3	1.8

The Technical Support Document, Appendix B, page B-30, Table III-3 has been corrected as follows:

Table III-3 NOx, PM Emissions By Air District and Air Basin in 2004

Air Districts	Number of Vessels	NOx Tons/day	NOx in OCS	PM Tons/day	PM in OCS
Bay Area AQMD (BA)	1,468	26.9	10.2	1.2	0.5
El Dorado County APCD (ED)	9	0.3	0.0	0.0	0.0
Mendocino County AQMD (MEN)	169	1.3	1.1	0.1	0.0
Monterey Bay Unified APCD (MBU)	379	3.6	2.7	0.2	0.1
North Coast Unified APCD (NCU)	299	2.3	1.9	0.1	0.1
Northern Sonoma County APCD (NS)	145	1.2	1.0	0.1	0.0
Placer County APCD (PLA)	9	0.3	0.0	0.0	0.0
San Diego County APCD (SD)	307	9.2	5.5	0.4	0.2
San Joaquin Valley Unified APCD (SJU)	43	0.8	0.0	0.0	0.0
San Luis Obispo County APCD (SLO)	145	1.4	1.1	0.1	0.1
Santa Barbara County APCD (SB)	193	2.7	2.0	0.1	0.1
South Coast AQMD (SC)	745	18.7	11.7	0.8	0.5
Ventura County APCD (VEN)	194	2.5	1.8	0.1	0.1
Yolo/Solano AQMD (YS)	81	1.9	0.0	0.1	0.0
Total	4,185	73.2	38.9	3.3	1.8

The complete text of the notice, the Initial Statement of Reasons and the Technical Support Document are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/2007/chc07/chc07.htm.

Any questions regarding these corrections should be directed to Alexa Malik, Manager, Board Administration & Regulatory Coordination Unit at (916)

322-6070 or Amy Whiting, Regulations Coordinator at (916) 322-6533.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact

the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our Website at www.arb.ca.gov

DECISION NOT TO PROCEED

DEPARTMENT OF INSURANCE

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
300 Capitol Mall, 17th Floor
Sacramento, California 95814

File No. RH05045970

NOTICE OF DECISION NOT TO PROCEED

WORKERS' COMPENSATION DEDUCTIBLES AND LOSS RESERVES

NOTICE IS HEREBY GIVEN that pursuant to California Government Code section 11347 Insurance Commissioner Steve Poizner (hereinafter "Commissioner") withdraws the proposed regulatory action to adopt Article 9.8 of Subchapter 3 of Chapter 5 of Title 10 of the California Code of Regulations regarding the Workers' Compensation Deductibles and Loss Reserves in the above referenced matter. The Commissioner shall proceed with a similar regulatory action subject to further notice pursuant to California Government Code section 11346 *et seq.*

Dated: September 28, 2007

STEVE POIZNER, Insurance Commissioner

By _____
Christopher A. Citko, Senior Staff Counsel

OAL REGULATORY DETERMINATIONS

CALIFORNIA STATE PRISON — CORCORAN

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS (Summary Disposition)

(Pursuant to Government Code
Section 11340.5 and
Title 1, section 270, of the
California Code of Regulations)

Date: October 1, 2007
To: Ricky Gray
From: Chapter Two Compliance Unit
Subject: **2007 OAL DETERMINATION NO. 18(S)**
(CTU 07-0731-02)
(Issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f)(2)(E))

Petition challenging as an underground regulation a document titled "California State Prison — Corcoran — Supplement" issued by California State Prison — Corcoran.

On July 31, 2007, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether the document you challenge is an underground regulation. The document is a supplement to the Department Operations Manual (DOM) issued by California State Prison — Corcoran (Corcoran) in January 2003. This document is titled "California State Prison — Corcoran — Supplement" (supplement) and deals with Chapter 50000, Article 54000, Section 54100, Inmate/Parolee Appeals. The sections in question deal specifically with procedures for submitting, reporting, collecting and tracking of informal level appeals.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as

defined in Government Code section 11342.600, which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).¹ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600² is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058 establishes exemptions expressly for the (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

¹ Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, by its own terms, the supplement you challenge applies only to inmates at Corcoran. While the DOM is issued by California Department of Corrections and Rehabilitation and applies statewide, the supplement you challenge is issued solely by Corcoran and is signed by the then-warden, A.K. Scribner. Similar inmates housed at other institutions are controlled by that institution’s appeal policies. Therefore, the supplement is a “local rule” and is exempt from compliance with the APA.³

Date: October 1, 2007

/s/

Susan Lapsley
Director

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225

/s/

Kathleen Eddy
Senior Staff Counsel

³ For this reason, pursuant to subdivision (f)(2)(E) of section 270, a rule which is included in a statutory exemption is the proper subject of a summary disposition letter. California Code of Regulations, Title 1, section 270, subdivision (f) provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review . . . demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be used to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. (Emphasis added.)

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BUREAU OF AUTOMOTIVE REPAIR Consumer Assistance Program Application Revisions (CAP/APP (07/07))

This is a change without regulatory effect for processing under section 100 proposed by the Department of Consumer Affairs, Bureau of Automotive Repair seeking to amend Title 16, section 3394.6. Specifically, the submission proposes changes to the current application form (CAP/APP (08/06)). The proposed revisions are without regulatory effect.

Title 16
California Code of Regulations
AMEND: 3394.6
Filed 10/01/2007
Agency Contact: Debbie Stefan (916) 255-4585

CALIFORNIA STATE UNIVERSITY Procedures — Additional Proposals

This amendment corrects two errors in the California State University's regulations dealing with employees.

Title 5
California Code of Regulations
AMEND: 43726
Filed 10/01/2007
Effective 10/01/2007
Agency Contact:
Deanna L. Thompson (562) 951-4495

COMMISSION ON TEACHER CREDENTIALING Terms and Definitions

This regulatory action amends provisions of terms and definitions; in particular, it establishes that the official record of a credential includes any credential in a paper or electronic format, including, but not limited to, information obtained from the Commission's official website.

Title 5
California Code of Regulations
AMEND: 80001
Filed 10/02/2007
Effective 11/01/2007
Agency Contact:
Terri H. Fesperman (916) 323-5777

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Earned Discharge From Parole

This regulatory action implements a new decision-making process and accompanying assessment forms, which are incorporated by reference, to effectively identify non-violent, non-serious offenders who are at low risk for a re-offense and who, following completion of 180 days of continuous uninterrupted parole, may be eligible for an earned discharge from parole.

Title 15
California Code of Regulations
ADOPT: 3075.4 AMEND: 3000
Filed 10/01/2007
Effective 10/01/2007
Agency Contact: Randy Marshall (916) 341-7328

DEPARTMENT OF FOOD AND AGRICULTURE

Diaprepes Root Weevil Interior Quarantine

This emergency regulatory action will expand an existing quarantine area in the eastern Encinitas area of San Diego County by approximately one-half square mile, and expand an existing quarantine area in the Long Beach area of Los Angeles County by one-half square mile for the Diaprepes root weevil (*Diaprepes abbreviatus*).

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 10/03/2007
Effective 10/03/2007
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE

Light Brown Apple Moth Interior Quarantine

These proposed emergency amendments will establish additional quarantine areas with respect to the light brown apple moth (LBAM; *Epiphyas postvittana*) in northern and central California. The proposed boundary lines were drawn jointly by the U.S. Dept. of Agriculture, the California Dept. of Food and Agriculture and the affected county agricultural commissioners. This rulemaking is also removing many vegetables from the list of plants under the quarantine, such as

globe artichokes, broccoli, tomatoes, cauliflower, cabbage, carrots (without tops), asparagus, celery, cabbage and spinach.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 09/28/2007
Effective 09/28/2007
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF JUSTICE

Bond Form

In this "print only" filing, the Department of Justice submits the Department of Motor Vehicle's form for the "Business Partner Automation Surety Bond."

Title 11
California Code of Regulations
AMEND: 51.19
Filed 09/28/2007
Effective 09/28/2007
Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Alternative Management Standards for Treated Wood Waste

On May 4, 2007, the Department of Toxic Substances Control (DTSC) submitted to the Office of Administrative Law (OAL) a regulatory action providing alternative management standards for treated wood waste. On June 15, 2007, DTSC withdrew proposed subsection (a)(2)(B)(3) of section 67386.6 of title 22 from this regulatory action to make an additional change available to the public for comment. On June 18, 2007, OAL approved DTSC's remaining regulatory action. Those regulations went into effect July 1, 2007. The change to withdrawn subsection (a)(2)(B)(3) of section 67386.6 made available to the public allows containers filled to capacity with treated wood waste to be transported to treated wood waste facilities. The previously proposed regulatory text would have allowed transport of these containers only to an approved land fill. This regulatory action is the submission to OAL of the previously withdrawn subsection (a)(2)(B)(3) of section 67386.6 of title 22 along with a punctuation change and a fix for a typographical error in two other sections contained in the original submission to OAL.

Title 22
California Code of Regulations
Amend: 67386.5, 67386.6, 67386.11
Filed 10/03/2007
Effective 11/02/2007
Agency Contact: Laura Hayashi (916) 322-6409

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Date Palm Operations Use of Special Purpose Ladders

This action adopts standards for the materials, design, strength, and means of attachment of orchard ladders permanently attached to date palm trees.

Title 8
California Code of Regulations
ADOPT: 3458.1
Filed 10/03/2007
Effective 11/02/2007
Agency Contact: Michael Manieri (916) 274-5721

OFFICE OF EMERGENCY SERVICES

Conflict of Interest Code Revision

This is a Conflict of Interest Code amendment that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 19
California Code of Regulations
AMEND: 2600
Filed 10/01/2007
Effective 10/31/2007
Agency Contact: Linda MacRae (916) 845-8522

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998; AB 127 — High Perform

This is the resubmission of an action that adopts criteria to define the characteristics of a high performance school, a scoring system that awards points for including high performance features in the design of a new, expanded, or modernized school and a set of factors that when multiplied by the point score, will determine the level of funding available in a grant available from the State Allocation Board.

Title 2
California Code of Regulations
ADOPT: 1859.71.6, 1859.77.4 AMEND: 1859.2
Filed 10/01/2007
Effective 10/01/2007
Agency Contact: Robert Young (916) 445-0083

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998; Charter School Amendments

The regulatory action deals with the Charter School Facilities Program.

Title 2
California Code of Regulations
ADOPT: 1859.167.2, 1859.167.3 AMEND: 1859.2,
1859.163.3, 1859.167 REPEAL: 1859.167.1
Filed 10/03/2007
Effective 10/03/2007
Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN MAY 02, 2007 TO
OCTOBER 03, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

07/09/07 AMEND: 270
06/28/07 AMEND: 2616

Title 2

10/03/07 ADOPT: 1859.167.2, 1859.167.3
AMEND: 1859.2, 1859.163.3, 1859.167
REPEAL: 1859.167.1
10/01/07 ADOPT: 1859.71.6, 1859.77.4 AMEND:
1859.2
09/24/07 ADOPT: 18420.5
09/24/07 ADOPT: 18361 AMEND: 18360,
18361.7
09/20/07 ADOPT: 18466
09/20/07 REPEAL: 18530.9
09/11/07 ADOPT: 18440
09/10/07 AMEND: 1183.13
09/04/07 ADOPT: 54700
08/31/07 ADOPT: 1859.180, 1859.181, 1859.182,
1859.183, 1859.184, Form SAB 50-11
AMEND: 1859.2, 1859.51, 1859.61,
1859.75.1, 1859.81, 1859.81.1,
1859.81.2, 1859.103, 1859.104,
1859.202, 1866, Form SAB 50-04, Form
SAB 50-06
08/31/07 AMEND: 18109, 18204.5, 18208.5,
18215.2, 18228, 18236, 18241, 18306,
18315, 18323, 18325, 18350, 18404.2,
18410, 18416, 18429, 18432, 18438,
18457, 18500, 18502, 18502.1, 18502.2,
18519.4, 18522, 18526.1, 18530.1,

18531.1, 18531.3, 18531.4, 18532,
18536.1, 18536.2, 18538, 18538.2,
18541, 18564, 18573, 18580, 18585,
18586, 18587, 18588, 18590, 18616.5,
18618, 18619, 18620, 18621, 18622,
18626, 18650, 18700.1, 18702.6,
18704.3, 18707.3, 18720, 18725, 18726,
18726.1, 18726.2, 18726.3, 18726.4,
18726.5, 18726.6, 18726.7, 18726.8,
18727, 18760, 18902, 18930.1, 18931,
18935, 18940.1, 18950.2, 18954

08/03/07 AMEND: 58800
08/02/07 ADOPT: 1700
07/18/07 AMEND: 1859.2, 1859.51, 1859.61,
1859.81, 1859.202, 1866
07/18/07 AMEND: 18361.2, 18361.4
07/18/07 ADOPT: 7288.0, AMEND: 7288.0,
7288.1, 7288.2, 7288.3
07/17/07 AMEND: 1859.2
07/02/07 ADOPT: 18531.62 AMEND: 18544,
18545
07/02/07 ADOPT: 1859.302, 1859.324.1,
1859.330 AMEND: 1859.302, 1859.318,
1859.320, 1859.321, 1859.322,
1859.323, 1859.323.1, 1859.323.2,
1859.324, 1859.326, 1859.328, 1859.329
06/20/07 ADOPT: 1859.106.1 AMEND: 1859.106
06/15/07 AMEND: div. 8, ch. 111, sec. 59560
06/13/07 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.38, 20108.40,
20108.45, 20108.50, 20108.51,
20108.55, 20108.60, 20108.65,
20108.70, 20108.71, 20108.75, 20108.80
REPEAL: 20108.37
05/23/07 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.38, 20108.40,
20108.45, 20108.50, 20108.51,
20108.55, 20108.60, 20108.65,
20108.70, 20108.71, 20108.75, 20108.80
05/21/07 AMEND: 18402
05/17/07 ADOPT: 1859.70.4, 1859.71.6,
1859.77.4, 1859.162.1, 1859.162.2,
1859.162.3, 1859.163.4, 1859.163.5,
1859.163.6, 1859.163.7, 1859.169.1
AMEND: 1859.2, 1859.51, 1859.60,
1859.61, 1859.70.3, 1859.71, 1859.78.9,
1859.83, 1859.93.2, 1859.160, 1859.161,

1859.162, 1859.163.1, 1859.163.2,
1859.163.3, 1859.164, 1859.164.1,
1859.164.2, 1859.165, 1859.166,
1859.167,1859.167.1, 1866.4, 1866.13
REPEAL: 1859.162.1
05/17/07 AMEND: 52900
05/14/07 AMEND: 599.664
05/08/07 ADOPT: 1185.2, 1185.3, 1185.4
AMEND: 1185, 1185.01 (renumbered to
1185.1), 1185.02 (renumbered to
1185.5), 1185.03 (renumbered to
1185.6), 1185.1 (renumbered to 1185.7)
05/08/07 AMEND: div. 8, ch. 48, sec. 53700

Title 3
10/03/07 AMEND: 3433(b)
09/28/07 AMEND: 3434(b)
09/25/07 AMEND: 3591.2(a)
09/24/07 ADOPT: 3591.20
09/19/07 AMEND: 3700(c)
09/17/07 AMEND: 3406(b)
09/12/07 AMEND: 3700(c)
09/11/07 AMEND: 3591.5(a)
09/11/07 AMEND: 3433(b)
09/10/07 ADOPT: 1391, 1391.1
09/05/07 ADOPT: 820.2, 820.7 AMEND: 820,
820.3, 820.4, 820.5, 820.6, 820.7
REPEAL: 820.6
08/21/07 AMEND: 3434
08/10/07 ADOPT: 3152
07/24/07 AMEND: 3591.6(a)(1)
07/23/07 AMEND: 3589(a)
07/20/07 AMEND: 3591.6(a)(1)
07/20/07 AMEND: 3423(b)
07/18/07 AMEND: 3434(b)
07/13/07 AMEND: 3591.20(a)
07/09/07 AMEND: 3433(b)
07/06/07 AMEND: 3591.2(a)
07/06/07 AMEND: 3589(a)
06/21/07 AMEND: 3434(b), 3434(c)
06/13/07 ADOPT: 6739 AMEND: 6000, 6720,
6738, 6793
06/07/07 AMEND: 3434(b)
06/06/07 AMEND: 3434(b)
06/05/07 AMEND: 3591.20(a)
05/31/07 ADOPT: 900, 900.1, 900.2, 901.5, 901.8,
901.9, 901.10, 901.11, 902, 902.1, 902.3,
902.4, 902.5, 902.6, 902.7, 902.8, 902.9,
902.10, 902.11, 902.12, 902.13, 902.14,
903, 903.1, 903.2, 903.3, 903.4, 903.5,
903.6, 903.7, 903.8, 903.9, 903.10,
903.11, 903.12
05/07/07 AMEND: 6860
05/07/07 AMEND: 3433

05/03/07 ADOPT: 3035 REPEAL: 3035, 3035.1,
3035.2, 3035.3, 3035.4, 3035.5, 3035.6,
3035.7, 3035.8, 3035.9

Title 4

09/20/07 AMEND: 1844
09/04/07 AMEND: 12205.1, 12225.1
05/30/07 AMEND: 1481
05/08/07 AMEND: 1433
05/07/07 AMEND: 1606

Title 5

10/02/07 AMEND: 80001
10/01/07 AMEND: 43726
09/24/07 ADOPT: 17604.1, 17605.1, 17624,
17630.1, 17638, 17639, 17643, 17644,
17650 AMEND : 17600, 17601, 17602,
17603, 17604, 17605, 17606, 17607,
17608, 17609, 17625, 17626, 17627,
17628, 17629, 17630.2, 17631, 17632,
17640, 17641, 17642, 17646, 17648
REPEAL: 17633, 17634, 17645, 17647,
17649
09/10/07 ADOPT: 19828.2, 19829.5, 19830.1,
19837.1, 19838, 19846 AMEND: 19816,
19816.1, 19828.1, 19830, 19837, 19854
08/27/07 ADOPT: 9517.2
08/23/07 AMEND: 42000, 42002, 42003, 42005,
42006, 42007, 42008, 42009, 42010,
42011, 42012, 42013, 42018, 42019
08/16/07 ADOPT: 18096 AMEND: 18078, 18081,
18084, 18085, 18089, 18090, 18100,
18107
08/13/07 ADOPT: 17660, 17661, 17662, 17663,
17664, 17665, 17666, 17667
08/09/07 AMEND: 80124, 80125
07/31/07 ADOPT: 11987, 11987.1, 11987.2,
11987.3, 11987.4, 11987.5, 11987.6,
11987.7
07/27/07 AMEND: 50500
07/20/07 ADOPT: 58520
07/17/07 ADOPT: 52000, 52010, 55003, 55007,
55020, 55021, 55022, 55023, 55024,
55025, 55030, 55031, 55032, 55033,
55034, 55035, 55040, 55041, 55042,
55043, 55044, 55050, 55051, 55052,
55060, 55061, 55062, 55063, 55064,
55070, 55072, 55080, 55100, 55130,
55150, 55151, 55151.5, 55151.7, 55160,
55170, 55182, 55183, 55200, 55201,
55202, 55205, 55207, 55209, 55211,
55213, 55215, 55217, 55219, 55230,
55231, 55232, 55233, 55234, 55235,
55236, 55240, 55241, 55242, 55243,
55245, 55300, 55316, 55316.5, 55320,

55321, 55322, 55340, 55350, 55400,
55401, 55402, 55403, 55404, 55405,
55450, 55451, 55603, 55607, 55750,
55751, 55752, 55753, 55753.5, 55753.7,
55754, 55755, 55756, 55756.5, 55757,
55758, 55758.5, 55759, 55760, 55761,
55762, 55763, 55764, 55765, 55800,
55800.5, 55801, 55805, 55805.5, 55806,
55807, 55808, 55809, 55825, 55827,
55828, 55829, 55830, 55831, 55840,
55841, 58161, 58161.5 AMEND: 55000,
55000.5, 55002, 55002.5, 55005, 55006,
55250, 55250.2, 55250.3, 55250.4,
55250.6, 55250.7, 55252, 55253, 55256,
55257, 55500, 55502, 55510, 55514,
55518, 55521, 55523, 55530, 55600,
55601, 55602.5, 55605, 55630, 55700,
55701, 55702, 55720, 55732, 56029,
58003.1, 58007, 58009, 58051 REPEAL:
55004, 55100, 55130, 55150, 55151,
55151.5, 55151.7, 55160, 55170, 55182,
55183, 55200, 55201, 55202, 55205,
55207, 55209, 55211, 55213, 55215,
55217, 55219, 55230, 55231, 55232,
55233, 55234, 55235, 55236, 55240,
55241, 55242, 55243, 55245, 55300,
55316, 55316.5, 55320, 55321, 55322,
55340, 55350, 55400, 55401, 55402,
55403, 55404, 55405, 55450, 55451,
55603, 55607, 55750, 55751, 55752,
55753, 55753.5, 55753.7, 55754, 55755,
55756, 55756.5, 55757, 55758, 55758.5,
55759, 55760, 55761, 55762, 55763,
55764, 55765, 55800, 55800.5, 55801,
55805, 55805.5, 55806, 55807, 55808,
55809, 55825, 55827, 55828, 55829,
55830, 55831, 55840, 55841, 58161
07/17/07 AMEND: 58704, 58770, 587714, 58774,
58776, 58777 REPEAL: 58785
06/05/07 AMEND: 19802
06/04/07 ADOPT: 11996, 11996.1, 11996.2,
11996.3, 11996.4, 11996.5, 11996.6,
11996.7, 11996.8, 11996.9, 11996.10,
11996.11
06/01/07 REPEAL: 41916
05/30/07 ADOPT: 30920, 30921, 30922, 30923,
30924, 30925, 30926, 30927
05/18/07 ADOPT: 19828.2, 19829.5, 19830.1,
19837.1, 19838, 19846 AMEND: 19816,
19816.1, 19828.1, 19830, 19837, 19854
05/11/07 AMEND: 30023(c)
05/07/07 ADOPT: 30910, 30911, 30912, 30913,
30914, 30915, 30916, 30917

Title 8

08/22/07 AMEND: 14300.10, 14300.12,
14300.29, 14300.46
08/21/07 AMEND: 1740
07/23/07 ADOPT: 32993 AMEND: 32990, 32992,
32994, 32995, 32996, 32997 REPEAL:
32991, 32993
06/19/07 AMEND: 212.01
06/15/07 ADOPT: 9792.20, 9792.21, 9792.22,
9792.23
06/07/07 ADOPT: 9792.11, 9792.12, 9792.13,
9792.14, 9792.15
06/01/07 AMEND: 4543
05/23/07 AMEND: 9767.4, 9767.8, 9768.10,
9788.11
05/23/07 AMEND: 5001
05/21/07 AMEND: 9768.5, 9788.31
05/16/07 AMEND: 8397.16

Title 9

08/27/07 AMEND: 7128
08/23/07 ADOPT: 3100, 3200.010, 3200.020,
3200.030, 3200.040, 3200.050,
3200.060, 3200.070, 3200.080,
3200.090, 3200.100, 3200.110,
3200.120, 3200.130, 3200.140,
3200.150, 3200.160, 3200.170,
3200.180, 3200.190, 3200.210,
3200.220, 3200.230, 3200.240,
3200.250, 3200.260, 3200.270,
3200.280, 3200.300, 3200.310, 3300,
3310, 3315, 3320, 3350, 3360, 3400,
3410, 3500, 3505, 3510, 3520, 3530,
3530.10, 3530.20, 3530.30, 3530.40,
3540, 3610, 3615, 3620, 3620.05,
3620.10, 3630, 3640, 3650 REPEAL:
3100, 3200.000, 3200.010, 3200.020,
3200.030, 3200.040, 3200.050,
3200.060, 3200.070, 3200.080,
3200.090, 3200.100, 3200.110,
3200.120, 3200.130, 3200.140,
3200.150, 3200.160, 3310, 3400, 3405,
3410, 3415
06/12/07 AMEND: 10501, 10508, 10511, 10515,
10518, 10522, 10524, 10527, 10529,
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06/28/07	AMEND: 2498.4.9	
06/28/07	AMEND: 2498.6	
06/28/07	AMEND: 2498.5	
06/28/07	AMEND: 2498.4.9	
06/28/07	AMEND: 2498.6	
06/28/07	AMEND: 2498.6	
06/28/07	AMEND: 2498.6	
06/28/07	AMEND: 2498.6	
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